

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

TANMAYA KABRA,

Defendant

**Criminal Action No. 1:19-cr-10335-DJC**

**DEFENDANT'S MOTION TO REVOKE DETENTION ORDER  
AND FOR PRETRIAL RELEASE**

Pursuant to 18 U.S.C. §§ 3142 and 3145(b), Tanmaya Kabra ("Kabra"), by and through counsel, hereby submits this motion for an order revoking the Magistrate-Judge's Order of Detention Pending Trial dated August 23, 2019 and granting Kabra pretrial release under the conditions requested herein or other conditions the Court deems appropriate. In support, Kabra submits herewith a Memorandum of Law, the Declaration of Atim Kabra, the Declaration of Alma Tambone, and the Declaration of Mark Berthiaume.

The detention hearing took place on August 7, 2019, the transcript of which is attached to the Berthiaume Declaration as Exhibit A ("Tr."). At the hearing the government submitted the Affidavit of Special Agent Kevin M. Sheahan in Support of a Criminal Complaint and Application for a Search Warrant (Exhibit 1) and 11 additional exhibits (Exhibits 2-12). The Sheahan Affidavit and the other exhibits are attached to the Berthiaume Declaration as Exhibit B. Finally, the Berthiaume Declaration attaches as Exhibit C, an unredacted version of detention hearing Exhibit 4. Special Agent Sheahan did not testify; instead the government produced Special Agent David Cirilli, who did not participate in the FBI investigation. (Tr. 5-6).

As set forth in the Memorandum of Law and the accompanying papers, Kabra should be released as he has been detained for upwards of five weeks at this point and does not present a risk

of flight. He is a United States Citizen, who has no criminal record, and no access to overseas funds. His present detention is contrary to the principle that detention is limited to those compelling circumstances where a defendant poses such a risk to the community or a risk of flight that there are no set of conditions that would ensure his appearance before this court. This is not the case here. The defendant is eager to defend against these unwarranted charges.

Wherefore, Kabra prays the Court to revoke the Magistrate-Judge's Order of Detention Pending Trial dated August 23, 2019 and to grant Kabra pretrial release under the conditions requested in the Memorandum of Law or other conditions the Court deems appropriate.

Respectfully submitted,

TANMAYA KABRA,

By his attorneys,

/s/ Mark A. Berthiaume

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Dated: September 12, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2019, I electronically filed the foregoing document with the United States District Court, District of Massachusetts by via the CM/ECF system. I further certify that on September 12, 2019, I served a copy of the foregoing document on all parties or their counsel.

/s/ Mark A. Berthiaume  
Mark A. Berthiaume